

## Message Text

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ACTION OES-07

INFO OCT-01 EUR-12 ISO-00 PM-05 ACDA-10 IO-14 ARA-14  
FEA-01 CIAE-00 INR-07 L-03 NSAE-00 NSC-05 EB-08  
NRC-07 DODE-00 SS-15 SP-02 /111 W  
-----105768 050944Z /10

P 041640Z AUG 77  
FM AMEMBASSY VIENNA  
TO SECSTATE WASHDC PRIORITY 2791  
INFO USERDA HQ WASHDC PRIORITY  
USERDA HQ GERMANTOWN

UNCLAS VIENNA 7119

UAIAEA

DEPT PASS IO/SCT

E.O. 11652: N/A  
TAGS: AIEA, TECH, MX  
SUBJECT: EXPORT OF SNM TO MEXICO (S-725)

REF: (A) STATE 179523, (B) 75 IAEA VIENNA 9599  
1. EXPORT LICENSE CASE AND REQUEST DESCRIBED REF A  
POSES DILEMMA, SINCE SECOND SUPPLY AGREEMENT (INFCIRC/52,  
ADD.1) UNDER WHICH MATERIAL WOULD BE TRANSFERRED

EXPIRES OCTOBER 4, 1977, AND WE QUESTION WHETHER IT  
WILL BE POSSIBLE TO COMPLETE NECESSARY PROCEDURES AND  
ARRANGE FOR EXPORT OF THE MATERIAL BEFORE THAT DATE.

2. IN ANY EVENT, MISSION SERIOUSLY QUESTIONS PRACTICE  
OF PLACING A TIME LIMIT ON VALIDITY OF IAEA'S ASSURANCES AND  
REQUEST SET FORTH IN ITS LETTER OF NOVEMBER 5, 1975

(MENTIONED REF B). (U.S. HAS NEVER RESPONDED TO THAT  
LETTER.) THE ONLY NEW FACTOR INVOLVED IS AN ADDED  
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FIVE GRAMS OF MATERIAL, BUT THE TOTAL AMOUNT OF MATERIAL  
INVOLVED IS STILL WELL WITHIN THE TOTAL OF APPROXIMATELY  
10,800 GRAMS SPECIFIED IN THE SECOND SUPPLY AGREEMENT.  
WE BELIEVE IT IS UNDESIRABLE TO APPEAR TO BE  
QUESTIONING VALIDITY OF ASSURANCES AGENCY HAS ALREADY  
GIVEN UNLESS IT IS ABSOLUTELY NECESSARY TO DO SO.

3. IN ADDITION TO ASSURANCES CONTAINED IN AGENCY'S NOVEMBER 5 LETTER, AND ON ASSUMPTION THAT THE MATERIAL REFERRED TO IN PARA 2 REV A CONSTITUTES A PORTION OF THE MATERIAL DESCRIBED IN SECTION 1 OF THE U.S./IAEA/ MEXICO SECOND SUPPLY AGREEMENT (INFCIRC/52, ADD.1), THE IAEA HAS, BY ITS SIGNATURE OF THAT AGREEMENT, PROVIDED ASSURANCES THAT THE MATERIAL IN QUESTION IS SUBJECT TO ALL THE TERMS AND CONDITIONS OF THE U.S./IAEA AGREEMENT FOR COOPERATION, AS AMENDED. IN OUR VIEW, THIS FACT, COUPLED WITH IAEA NOVEMBER 5, 1975 LETTER, SHOULD PROVIDE SUFFICIENT BASIS FOR USG TO CONCLUDE THAT THE MATERIAL IN QUESTION WILL BE SUBJECT TO THE U.S./IAEA AGREEMENT FOR COOPERATION. IF U.S. CAN PROCEED ON THIS BASIS, THERE MAY BE A SLIM CHANCE OF BEATING THE OCTOBER 4 DEADLINE.

4. IF FOREGOING IS CONSIDERED INSUFFICIENT TO MOVE FORWARD WITH THIS CASE, WE ARE NOT RPT NOT OPTIMISTIC ABOUT CHANCES OF OBTAINING ANOTHER IAEA LETTER WITH NEW ASSURANCES, ETC., IN LESS THAN SIX TO EIGHT WEEKS, WHICH IS ABOUT WHEN THE SECOND SUPPLY AGREEMENT WILL EXPIRE. IF WE REQUEST ANOTHER LETTER FROM IAEA, IAEA WOULD ALMOST CERTAINLY HAVE TO CHECK FACTS WITH GOM, WHICH WOULD PROBABLY HAVE TO CHECK FURTHER WITH GENERAL ATOMIC, AND EVENTUALLY GOM WOULD RESPOND TO IAEA, AND IAEA TO US. THIS PROCESS TOOK NEARLY TWO UNCLASSIFIED

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MPNTHS THE LAST TIME AROUND, I.E., TO OBTAIN AGENCY'S NOVEMBER 5, 1975 LETTER. ACCORDINGLY, WE SEE LITTLE LIKELIHOOD OF BEING ABLE TO REPEAT THE PROCESS AND PROVIDE NEW ASSURANCES BEFORE APPLICABLE AGREEMENT EXPIRES.

5. IF SECOND SUPPLY AGREEMENT EXPIRES BEFORE EXPORT OF MATERIAL TAKES PLACE, A NEW SUPPLY AGREEMENT WOULD BE REQUIRED, WHICH WOULD REQUIRE BOARD OF GOVERNORS APPROVAL. IT IS EXTREMELY DOUBTFUL THAT THIS COULD BE ARRANGED IN TIME FOR THE SEPTEMBER 23 MEETING OF BG. NEXT FOLLOWING MEETING WILL BE IN FEBRUARY 1978.

6. IN VIEW OF FOREGOING, MISSION REQUESTS GUIDANCE ON HOW TO PROCEED. LABOWITZ

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXPORTS, URANIUM, FISSIONABLE MATERIALS TRANSFER  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 04-Aug-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
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**Enclosure:** n/a  
**Executive Order:** N/A  
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**Litigation History:**  
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**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Reference:** 77 STATE 179523, 75 IAEA VIENNA 9599  
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**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009